

### **REMARKS**

Claims 1-20 are pending in the application. Claims 1-20 have been rejected.

Claims 1-2, 4-6, 12-13, 15-16, and 18-19 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,031,990 to Sivakumar et al. ("Sivakumar"). Claims 3, 7-8, 14, 17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sivakumar in view of U.S. Patent No. 5,671,351 to Wild et al. ("Wild"). Claims 9-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sivakumar in view of Wild and further in view of JUnit 3.7 ("JUnit").

Applicants respectfully traverse the rejection of independent claims 1, 12, 15 and 18 under 35 U.S.C. §102(b) as being anticipated by Sivakumar. Various embodiments of Applicants' invention, as recited in the aforementioned independent claims, provide a method, system and computer readable medium for tracking unit tests of a software application. The unit tests are ordered under hierarchical groupings. The unit tests are tracked tests so as to capture a result of each unit test and a hierarchical position of each unit test within the groupings.

In the current office action, Examiner asserts that Sivakumar tracking unit tests "so as to capture a result of each unit test and a hierarchical position of each unit test within the groupings," citing column 2, lines 58-61. For convenience, the column 2, lines 56-62 is set forth below:

The test management system according to the invention creates "test cases", which are used to verify the correctness of one or more functions of a software application. A "test case" is a procedure that verifies a certain function of the software application and records the result (e.g., pass, fail, test unrunnable). It is the smallest unit in a tree hierarchy created by the test management system

Applicants respectfully submit that the cited portion of Sivakumar does not support Examiner's contention that Sivakumar teaches a system and method that captures the result of a "unit test" and a "hierarchical position" of each unit test within a grouping. As stated in paragraph 5, of Applicants patent application, published on July 8, 2004, a "unit" refers to any modular aspect of an application. For example, a unit could refer to a segment of code, a method in a class, or a function of an application. The term "unit" in the cited portion of Sivakumar does not refer to a unit comprising a modular aspect of an application. Furthermore, the cited portion

of Sivakumar does not disclose capturing the “hierarchical position” of each unit test within a grouping.

For the reasons set forth above, Applicants respectfully submit that Sivakumar fails to disclose all of the limitations recited in independent claims 1, 12, 15, and 18. Therefore the rejection of the aforementioned independent claims under 35 U.S.C. §102(b) should be removed and these claims should be allowed. Furthermore, all pending dependent claims are allowable as being dependent on an allowable base claim.

### **CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

FILED ELECTRONICALLY  
February 27, 2008

Respectfully submitted,

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